

Adopted

Rejected

COMMITTEE REPORT

YES: 12

NO: 0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state
- 5 examiner shall require from every municipality and every state or local
- 6 governmental unit, entity, or instrumentality financial reports covering
- 7 the full period of each fiscal year. Except as provided by subsection (b),
- 8 these reports shall be prepared, verified, and filed with the state
- 9 examiner ~~within~~ **not later than** thirty (30) days after the close of each
- 10 fiscal year.
- 11 (b) The following shall prepare, verify, and file the reports required
- 12 under subsection (a) not later than sixty (60) days after the ~~end~~ **close** of
- 13 each **fiscal** year:
- 14 (1) A municipal government.
- 15 (2) A public library.
- 16 **(3) A district (as defined in IC 13-11-2-58(a)) that owns a**

1 **landfill (as defined in IC 13-11-2-116(c))."**

2 Page 1, line 8, after "issuance" insert ",".

3 Page 1, line 8, after "renewal," delete "or".

4 Page 1, line 8, after "transfer" insert ",".

5 Page 1, line 8, reset in roman "or major".

6 Page 1, line 9, reset in roman "modification".

7 Page 2, between lines 9 and 10, begin a new paragraph and insert:

8 "SECTION 3. IC 13-11-2-41 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

10 Sec. 41. (a) "Construction\demolition waste", for purposes of
11 **IC 13-19-3-9 and IC 13-20-21, means:**

12 (1) bricks;

13 (2) concrete;

14 (3) stone;

15 (4) glass;

16 (5) wallboard;

17 (6) lumber;

18 (7) roofing materials; and

19 (8) any other items;

20 affixed to a structure that is being constructed or demolished and being
21 disposed of at a waste disposal facility.

22 (b) The term includes the following:

23 (1) Plumbing fixtures.

24 (2) Wiring.

25 (3) Nonasbestos insulation.

26 (4) Other items approved by the department."

27 Page 2, between lines 35 and 36, begin a new paragraph and insert:

28 "SECTION 7. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE
29 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9. (a) This section does**
31 **not apply to an expansion of a solid waste landfill:**

32 **(1) that only accepts construction\demolition waste; and**

33 **(2) for which a construction\demolition waste permit was**
34 **issued before January 1, 2005.**

35 **(b) A solid waste landfill that only accepts**
36 **construction\demolition waste shall comply with setback**
37 **requirements concerning public schools established by the board**
38 **under 329 IAC 10-16-11 for municipal solid waste landfills."**

- 1 Page 3, line 6, after "applicant for" insert "**the renewal of**".
- 2 Page 3, line 15, after "issuance" insert ",".
- 3 Page 3, line 15, after "renewal," delete "or".
- 4 Page 3, line 15, after "transfer" insert ",".
- 5 Page 3, line 15, reset in roman "or major modification".
- 6 Page 8, between lines 32 and 33, begin a new paragraph and insert:
- 7 "SECTION 18. IC 13-21-3-16 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The
- 9 requirements of this section:
- 10 (1) are in addition to the requirements set forth in
- 11 IC 6-1.1-18.5-7(b); **and**
- 12 (2) **do not apply to a district that:**
- 13 (A) **owns a landfill;**
- 14 (B) **will use property tax revenue to:**
- 15 (i) **construct a new landfill cell; or**
- 16 (ii) **close a landfill cell;**
- 17 **at the landfill; and**
- 18 (C) **has received approval from the county fiscal body of**
- 19 **the county in which the landfill is located to construct or**
- 20 **close the landfill cell.**
- 21 (b) To be eligible to include within the district's budget for the
- 22 following year tax revenue derived from the imposition of a property
- 23 tax, the first year that a property tax will be imposed and any
- 24 subsequent year in which the proposed tax levy will increase by five
- 25 percent (5%) or more, a board must present identical resolutions to each
- 26 of the county fiscal bodies within the district seeking approval for the
- 27 use of property tax revenue within the district. The resolution must state
- 28 the proposed property tax levy and the proposed use of the revenue.
- 29 The resolution must be stated so that:
- 30 (1) a "yes" vote indicates approval of the levy and the proposed
- 31 use of property tax revenue within the district; and
- 32 (2) a "no" vote indicates disapproval of the levy and the proposed
- 33 use of property tax revenue within the district.
- 34 (c) For a resolution described in subsection (b) to be approved by the
- 35 county fiscal body:
- 36 (1) the county fiscal body must record the vote taken on the
- 37 resolution under subsection (b) before May 1 of the year in which
- 38 the vote was taken; and

1 (2) the recorded vote must indicate approval of the use of property
2 tax revenue within the district.

3 (d) If all of the county fiscal bodies within a district do not record
4 the approval described in subsection (c) before May 1 of the year in
5 which the vote under subsection (b) was taken, the board may not:

6 (1) impose; or

7 (2) include within the budget of the board;
8 a property tax for the year following the year in which the vote was
9 taken.

10 (e) Notwithstanding subsection (d), after the first year a tax is
11 imposed under this section, the resolution required by subsection (b) for
12 a district that is located in more than two (2) counties need only be
13 approved by a majority of the county fiscal bodies for the counties in
14 which the district is located.

15 (f) A district may not issue bonds to be repaid, directly or indirectly,
16 with money or property tax revenue of the district until a majority of
17 the members of each of the county fiscal bodies within a district passes
18 a resolution approving the bond issue."

19 Page 8, line 34, delete ":" and insert ", **"transfer station" has the**
20 **meaning set forth in IC 13-11-2-235(a).**".

21 Page 8, delete lines 35 through 38.

22 Page 8, line 39, after "applies to" insert "**transfer stations.**".

23 Page 8, delete line 40.

24 Page 9, after line 3, begin a new paragraph and insert:

25 "**SECTION 18. An emergency is declared for this act.**".

26 Renumber all SECTIONS consecutively.

(Reference is to SB 279 as reprinted March 1, 2005.)

and when so amended that said bill do pass.

Representative Wolkins